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Electronically Filed

Honorable Joseph A. Dickson
United States Magistrate Judge
U.S. District Court of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street – CR:MLK2D
Newark, NJ 07101

Re: Daniel D'Ambly v. Vijaya Gadde; Twitter, Inc., et als.
Docket No.: 2:20-CV-12880-JMV-JAD

Dear Judge Dickson:

This Firm, along with our co-counsel WilmerHale, represents Defendants Twitter, Inc. and Vijaya Gadde (“Defendants”) in the above-referenced matter. Yesterday afternoon, Plaintiff filed with this Court a motion seeking leave to amend his Complaint; Plaintiff has requested Defendants’ consent to this application last Thursday, but we had not yet had the opportunity to consult with our clients on that issue so that we could respond. We do so here, and accordingly write to advise the Court that while Defendants do not contest Plaintiff’s application, they are not thereby waiving any contention that the proposed amendment is futile. Specifically, they respectfully preserve their argument, set forth in their motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), that the claims contained in the First Amended Complaint, like those set forth in Plaintiff’s original Complaint, are without merit and should be dismissed for failure to state a claim, an argument that they will renew and re-file in response to the First Amended Complaint.

Of course, if Your Honor has any questions or concerns, please do not hesitate to contact me. Thank you very much for your kind consideration of this matter.

Respectfully submitted,

s/Lawrence S. Lustberg

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